

END OF EAGAN COURT-MARTIAL

Conclusion Reached Embod-
ied in a Report.

TESTIMONY FOR THE DEFENSE

Friends and Family of Commissary
General Eagan He Was Mentally
Unbalanced When He Testified Be-
fore War Investigating Commis-
sion--Speeches For Defense and
Prosecution.

(By Telegraph to Virginian-Pilot.)

Washington, Jan. 27.—The case of
Commissary General Charles P. Eagan,
charged with conduct unbecoming an
officer and a gentleman, and with con-
duct tending to the prejudice of good
order and military discipline, is now
in the hands of the court-martial ap-
pointed to try him. To-day the tak-
ing of testimony was closed and ar-
guments of counsel submitted. The
trial had lasted three days and con-
sumed less than eight hours of actual
sitting. A session behind closed doors
of an hour or so sufficed for the court
to reach a conclusion and embody it
in a report. What the verdict was is
altogether a matter of speculation, and
officially at least will not be made pub-
lic by the trial board, military regu-
lations requiring that its findings shall
go through prescribed channels and be
kept secret until action be had and
promulgated by the proper reviewing
authorities.

MENTALLY UNBALANCED.

The testimony at the closing ses-
sion of the court was directed largely to
establishing the fact that the General
had lost his mental balance as a re-
sult of the charges made against him
by General Miles. His daughter and
her husband told of the General's
changed condition, and intimated that
they had great fears that he might at
any time kill his accuser.

Mr. McKee, a life-long friend, stated
that at that time he believed him ac-
tually insane. The facts in this con-
nection were brought out strongly by
Mr. Worthington in his efforts to show
that General Eagan at times was
wholly irresponsible.

A DRAMATIC INCIDENT.

A dramatic incident of the trial to-
day was the testimony of the General's
daughter, in which she described her
father's appearance on the day he first
read General Miles' statement. Stand-
ing in the door of his house with the
newspaper containing the evidence in
his hand he had exclaimed wildly: "I
have been crucified by General Miles!"

THE PRESIDENT'S PROMISE.

Mr. Russell A. Alger, the Secretary
of War, was also a witness to-day. He
said that he recalled a conversation he
had with General Eagan shortly after
General Miles had given his testimony.
General Eagan came into his office in
an excited state of mind, and said it
was his wish to prefer charges against
General Miles for what he had said.

"I told him," testified Secretary Al-
ger, "that under the President's order
granting immunity to officers who testi-
fied before the commission, he could
not do so."

Q. "Mr. Secretary, did you receive
any instructions from the President on
this point?"

A. "He said to me immunity had
been granted to witnesses."

General Alger was then excused, the
members of the court rising to their
feet as he withdrew.

ARGUMENT OF COUNSEL.

Mr. Worthington began the argu-
ment for the accused, opening by say-
ing that he contended that by the law
of this country, civil, criminal, or mi-
litary, the defendant could not be held
to account for what he said before the
War Investigating Commission. His
argument was based on a number of high au-
thorities to show that if the words spoken
were pertinent and material to the
cause in hand and were not objected
to by the tribunal hearing the same,
and were not malicious in character,
the witness could not be held answer-
able.

The remedy, said Mr. Worthington,
lies with the tribunal before which
General Eagan gave his testimony. If
he had been told by that commission
that his language was exaggerated and
inadmissible, he would have with-
drawn his words at once, but at this
late day to call him to account was,
said Mr. Worthington, unfair and un-
warranted by law.

EAGAN PERFECTLY PROTECTED.

Counsel then called attention to the
President's public statement that wit-
nesses were given immunity, and de-
clared that this guarantee was claimed
by the accused. Under these circum-
stances he believed General Eagan was
perfectly protected against any results
such as had been forced upon him by
this court. He had been accused of a
heinous crime, and in his statement to
the Investigating Commission, he had
defended his honor and innocence, as
he had a perfect right to do, but using
stronger language, perhaps, than he
should have used.

Mr. Worthington next quoted from
authorities to show that to convict the
accused of conduct unbecoming an of-
ficer and a gentleman the offense must
be such that any brother officer who
should, after his conviction, take him
by the hand or visit his home, or be
on intimate terms with him would him-
self be disgraced thereby, and render
himself unfit to associate with gen-
tlemen and men of honor. The endorse-
ments of several high reviewing offi-
cers in the United States army on the
findings of the court-martial were quoted
as showing that the offense must be
exceptionally heinous, and such as

would unfit the accused for association
with right thinking men.

THE STATEMENT OF MILES.

Counsel then reviewed the statement
made by General Miles and character-
ized it as without a parallel in the
history of the country. He commented
upon the statement that General
Miles pretended to have known about
the so-called beef frauds for three
months before he had sprung them up-
on the country in his testimony before
the War Investigating Commission.
During that time, said counsel, General
Miles had not communicated the al-
leged facts to the responsible officers
nor taken any steps to put a stop to
them.

Counsel reviewed at length the testi-
mony which had been given tending to
show that General Eagan's mind was
so seriously affected by the accusa-
tions which had been made against
him that his friends feared that he
would go out upon the street and shoot
General Miles on sight. He was no
longer himself, and no longer could
control his feelings or his actions.

In concluding his address, which last-
ed over an hour, Mr. Worthington
made a strong plea for the accused, as-
serting that through this whole con-
troversy he had conducted himself as
an honest man goaded to desperation
by the cruel and unjust accusations of
his superior officer.

THE PROSECUTION.

Colonel Davis, the Judge-Advocate,
closed the argument. He said that he
had no other idea from the beginning
than that all the facts and the whole
truth in this case be brought out. He
said that if the accused thought him-
self aggrieved by the statement of Gen-
eral Miles he had a positive and sure
remedy. He had a right to demand a
court of inquiry and he also had the
undoubted remedy of resorting to the
civil and criminal law. But he saw
fit to ignore all these remedies and
to take the matter in his own hands.
He had prepared, with deliberation,
a statement, which he had read before
the War Commission, which was grossly
insulting and an undoubted infrac-
tion of the army regulations as charged.

NO IMMUNITY.

On the question of immunity the
Judge-Advocate stated that in the
courts the language, in order to be
privileged, must be pertinent to the
issue, it cannot be slanderous or in vio-
lation of military regulations. This
was the universal rule. The War In-
vestigating Commission, which had
been created by the order of the Presi-
dent, was an informal tribunal, nec-
essarily so by reason of the great scope
given to its investigation, and it was
not such a tribunal as could punish
for contempt. It, therefore, might or
might not receive any statement
which might be presented. In this case
it had returned the statements to Gen-
eral Eagan, declining to receive a pa-
per of the character presented by the
accused. He referred to General Miles'
statement regarding the beef and said
that the commanding officer of the
fourteen regiments had declared the
beef furnished to be unfit for food.
Whatever the facts, this testimony
could not be ignored. Although Gen-
eral Eagan had been criticized so, he
said, had many other high officers in
the army, the heads of bureaus, and
admirals of the navy. All had been
criticized severely, but they had con-
tinued to do their duty as
men and officers.

Judge-Advocate Davis spoke only
about thirty minutes and as he con-
cluded, at 1:30 o'clock, General Mer-
ritt declared the court closed and or-
dered the room to be vacated by all
except the members of the court.

A VERDICT REACHED.

The court was in executive session
for a little over an hour, and in this
brief space of time reached its con-
clusion, for it soon became known,
when the doors were re-opened, that
a verdict had been reached, or in mili-
tary parlance, the court-martial had
made its findings.

The fact was confirmed by the an-
nouncement from the Judge-Advocate
that the court had adjourned without
day, it can be recalled only to correct
a fault in the proceedings, which is a
rare occurrence.

THE REGULAR ORDER.

In the regular order the findings and
proceedings must be carefully gone
over by Judge-Advocate Davis. He
thought it was possible this afternoon
to conclude his task to-morrow or
Monday. He will place the papers in
the hands of Judge-Advocate General
Lieber, whose duty it will be to make
a most careful examination of every
part of the record and findings with a
view to the detection of any irregulari-
ties in the forms. Presuming that he
finds all of these things regular he
will forward the papers to the Sec-
retary of War with his endorsement, if
he sees fit to add one, and the latter
will finally, "by direction of the
President," according to the form of
practice adopted in Secretary Lamont's
time. It is proper to state that it is
possible for the papers to pass through
the hands of General Miles at some
stage in the proceedings, he acting also
in the capacity of a reviewing author-
ity, but this is not a uniform practice,
and there was a notable exception in
the Carter court-martial.

American Woman in English Court.

(By Telegraph to Virginian-Pilot.)

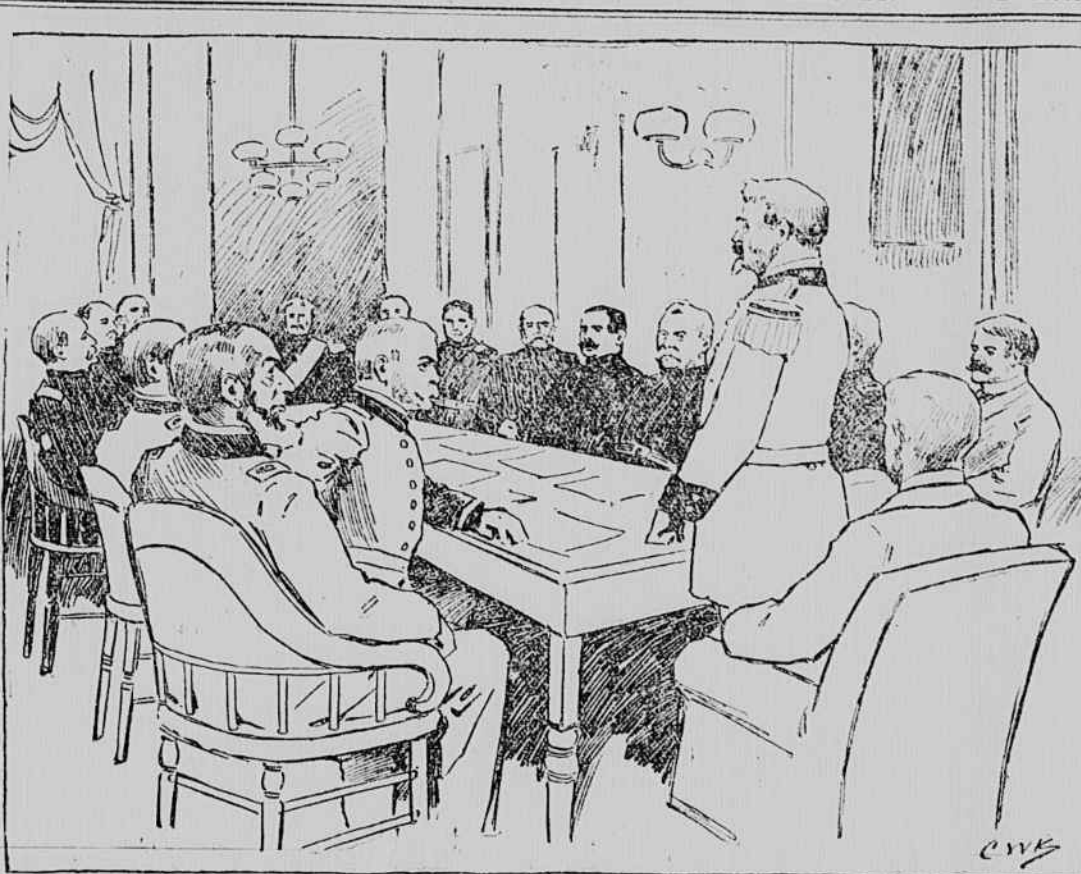
London, Jan. 27.—The case of Sarah
Elizabeth Pemberton, an American
woman, belonging to Florida, who
claims to be the widow of A. R. Pem-
berton, is again before the courts here
on appeal. The appellant claimed a
jointure of (pounds) 200 yearly out of
the Pemberton estates in Camberidge-
shire. She was married to Pemberton
three times. Her claim was resisted on
the ground that the decree of divorce
secured by the second husband, a man
named Holmes Erwin, was invalid be-
cause only nine days elapsed between
the issue and the return of the process,
whereas the rules of the Florida courts
require ten days to intervene. The
lower courts upheld this view, declared
that Erwin's divorce was invalid, and
that, therefore, the appellant was not
the widow of Pemberton.

The appeal court reserved judgment.

Sleeping Car Service.

(By Telegraph to Virginian-Pilot.)

New York, Jan. 27.—The first sleep-
ing car service ever operated direct
from New York to Miami, Fla., for
travel thereto, and southward by
steamers, will be inaugurated on Jan-
uary 30th by the Southern Railway.



SCENE AT THE COURT MARTIAL OF GENERAL EAGAN

The president of the court is Major General Wesley Merritt, Lieutenant Colonel George B. Davis is judge advocate, and among the prominent members are Major General James F. Wade, Major General S. R. M. Young, Major General M. C. Butler, Brigadier General George F. Randall, Brigadier General Royal T. Frank, Brigadier General Richard Comb and Colonel Peter C. Hains. Brigadier General Eagan's counsel is A. S. Worthington.

THE FRENCH COURTS

Mme. Henry's Case Against Editor
and Deputy.

Motion of Defendant, Charged With
Libel, For Postponement Denied—
The Dreyfus Case—Mob Led By a
Cripple on Crutches.

(By Telegraph to Virginian-Pilot.)

Paris, Jan. 17.—The trial of the action
brought by Mme. Henry, widow of
Lieutenant Colonel Henry, who com-
mitted suicide in prison here after con-
fessing to having forged one of the
documents in the Dreyfus case, against
M. Joseph Reinach, a member of the
Chamber of Deputies and editor of the
Republique Francaise, for libelling the
deceased in declaring him a traitor,
opened in the Assize Court to-day.

POSTPONEMENT DENIED.

M. Labori, counsel for M. Reinach,
immediately asked the court to post-
pone the trial until the Dreyfus in-
quiry was terminated. He declared the
suit was merely the work of a political
party reduced to the last extremities,
and that it was merely a desperate at-
tempt to influence the verdict of the
Court of Cassation in its revision of the
Dreyfus trial.

"The Court of Cassation," counsel
then said, "in spite of insults and the
daily attacks made upon it continues
serenely to perform the work of justice,
and I bow in advance before the deci-
sion which will be given by the Court
of Cassation, for it is the duty of all
to bow to the truth."

M. Labori concluded with a demand
for an adjournment of the case in the
superior interest of justice, and pro-
tested that the accusation that the
revisionists insulted the army was an
infamous calumny.

The court, after deliberation, reject-
ed M. Labori's appeal.

MOB LED BY A CRIPPLE.

The neighborhood of the Palace of
Justice was quiet until 2 o'clock, when
a mob, headed by a cripple known as
"Libertad," who was on crutches and
had naked feet in spite of the cold,
led a band of anti-Semites, led by M.
Guérin, president of the anti-Semite
League, entered the Place Dauphine,
at the back of the Palace of Justice,
and began shouting. The police cleared
the square and placed a cordon around
it. The crowd cheered for the army
and shouted: "Death to the Jews."
After the anti-Semite mobs had been
driven from the neighborhood of the
court they reformed on the Place du
Chatelet, howling "Spit on the Jews."
A stick fight followed, during which
several persons were injured and the rioters
were again scattered.

The Cotton Rate Situation.

(By Telegraph to Virginian-Pilot.)

Atlanta, Ga., January 27.—Telegrams
received here to-day stated that the
New York conference, which was held
to adjust the cotton rate situation in
Atlanta and Athens, did not complete
the work. Some progress was made,
but the matter is still under consid-
eration. There is still a prospect that
some adjustment will be made.

So many interests are involved that
it is slow work to get them all har-
monized. There will probably be an-
other meeting at an early date.

Colored Troops Recommended For
Cuba.

(By Telegraph to Virginian-Pilot.)

Washington, Jan. 27.—Surgeon Gen-
eral Sternberg has made public the re-
port of Lieutenant Colonel O'Reilly,
chief surgeon of the Department of
Cuba, relative to the British method of
caring for troops in the tropics. As a
result, Dr. O'Reilly recommends that

troops intended for Cuban service
should be recruited in the South and be
colored, with white officers, to a great
extent. They should be sent in No-
vember after the rainy season. No im-
provement is needed in the rations
and night service should be avoided.

Regiment Leaves For Home.

(By Telegraph to Virginian-Pilot.)

Huntsville, Ala., January 27.—The
Sixty-Ninth New York departed for
New York to-night, over the Nash-
ville, Chattanooga and St. Louis rail-
way. The regiment will go by way of
Cincinnati, Cleveland, Buffalo and Al-
bany, reaching New York city Monday.
The Second Battalion of the First Flor-
ida Volunteer Infantry was mustered
out to-day.

Postmasters Conf. held.

(By Telegraph to Virginian-Pilot.)

Washington, D. C., January 27.—The
Senate to-day confirmed the following
postmasters:
Tennessee—J. Kenny, Bolivar; H. C.
Neely, Greenfield; N. L. Scobey, New-
bern.

Texas—A. L. Davis, Gonzales; O.
Helig, New Brunfels; W. C. Hurley,
Sulphur Springs; P. A. Schaefer,
Georgetown; L. Avest, Columbus.
Louisiana—J. T. Labit, Abbeville.

Haywood's Vote Tumbles.

(By Telegraph to Virginian-Pilot.)

Lincoln, Neb., January 27.—Hay-
ward's vote took a tumble to-day,
dropping to 33, the votes being dis-
tributed among various candidates. Nec-
essary to choice, 66.

CALIFORNIA SCANDALS

The Investigating Committee Sub-
mits a Report.

Speaker Wright, of the Assembly,

Received Money From U. S. Grant,
Jr., Who Expended Large Sums for
Corrupt Purposes.

(By Telegraph to Virginian-Pilot.)

Sacramento, Cal., Jan. 27.—The spe-
cial committee appointed to investigate
the scandals connected with the elec-
tion of a United States Senator, filed
its report to-day.

A CORRUPT SPEAKER.

The committee finds that Howard E.
Wright, Speaker of the Assembly, re-
ceived from U. S. Grant, Jr., through
his political manager, Milton J. Green,
\$50 as a gift and \$750 as a loan; that
Wright, prior to his election, decided
John D. Speckles and W. S. Leake to
secure their support for the Speakership,
stating that he was unemployed to
any Senatorial candidate; that by
promising to vote for Robert N. Bulla
for United States Senator he received
Bulla's support for the Speakership;
that by the acceptance of Grant's
money and by the solicitation of Daniel
M. Burns' influence to secure his elec-
tion as Speaker, Wright led each of
those candidates for United States
Senator to expect his vote.

GRANT SPENT LARGE SUMS.

The report further states that Milton
J. Green, the duly appointed and ac-
credited agent of U. S. Grant, Jr., ex-
pended large sums of money, exceeding
in the aggregate \$20,000, but the exact
amount of which to the committee is
unknown, to secure the election of a
Republican Legislature. The committee
finds that D. M. Burns, Robert N.
Bulla, W. H. L. Barnes and other Sena-
torial candidates, except Grant, ex-
pended no money and promised no pa-
tronage to promote their respective
candidates.

The report was made a special order
for to-morrow prior to the taking the
vote for Senator.

THE KAISER'S BIRTHDAY

Congratulated By United States
Ambassador White.

Prince Herbert Bismarck Promoted
to Major General—Elevated to
House of Lords—Danish Ships
Omit Their Flag Displays.

(By Telegraph to Virginian-Pilot.)

Berlin, Jan. 27.—Emperor William to-
day received the birthday congratula-
tions of his family and household, and
after a special service in the chapel of
the castle he held a reception in the
White Hall.

The anniversary was marked with
"Kaisers' weather," sunny, but cold.
The city was thronged, and wherever
the members of the Imperial family
showed themselves on the streets they
received ovations.

At the court reception Mr. White, the
United States Ambassador, tendered
his congratulations, and was most cor-
dially received, Emperor William shak-
ing his hand warmly.

The celebration throughout Germany
was more general than for several
years before.

BISMARCK A MAJOR GENERAL.

Prince Herbert Bismarck has been
promoted to the rank of a Major-Gen-
eral.

Herr Von Birkner, of the Prussian
Dist., who recently gave the Emperor
a beautiful villa and 5,000 acres of farm
and forest land, called "Cadinen," near
Elbing, has been appointed a member
of the Herrenhaus (House of Lords).

It is significant as showing the re-
sult of the Danish government at the
recent expulsion of Danes from the
northern provinces of Prussia, that the
Danish ships at Kiel and other ports
throughout Germany omitted flag dis-
plays.

Five Persons Drowned.

(By Telegraph to Virginian-Pilot.)

South Norwalk, Conn., Jan. 27.—Dis-
abled by an accident to her steering
gear during a trip up the sound last
night the steam canal boat J. C. Austin
of New York, ran on the rocks off
Norwalk early to-day and sank.
Accompanying her was the consort
David B. Fish, loaded with coal con-
signed to Westport. Five of the persons
aboard the two vessels lost their lives.
They were:
Captain Levine, of Jersey City,
Chief Engineer Thomas Young,
Deck hand, name unknown.
Pilot, name unknown.
Mrs. Helen Callahan, of 129 West 25th
street, New York.

Charleston Asks For Warships.

(By Telegraph to Virginian-Pilot.)

Washington, Jan. 27.—Representative
Elliot, of South Carolina, to-day called
upon Secretary Long to urge the at-
tendance at Charleston of some fine
warships during the Confederate Vet-
eran reunion to be held there from
May 10 to 14th next.

The Secretary promised to accede to
the request if ships could be spared for
the purpose. It is possible that the
North Atlantic Squadron will be in
the neighborhood about the time indicated
on its return from its cruise of evolu-
tion in the Gulf and Caribbean sea.

General Wheeler's Seat.

(By Telegraph to Virginian-Pilot.)

Washington, D. C., January 27.—A
rough canvass has been made of the
House Committee on Judiciary as to
their views on the question of declaring
vacant seats held by members holding
outside offices, which is understood to
disclose that 14 of the 170 members in-
dividually favor declaring these seats
vacant, although this view has not yet
been expressed in a vote.

THE SITUATION AT MANILA

Is Regarded in Washington
as Critical.

STATEMENT BY AGONCILLO

State Department Mute as to Treat-
ment to Be Accorded Aguinaldo's
Representative—Publication of
Abstract of Letter a Branch of Offi-
cial Decorum—Denies Intercepted
Dispatch Story.

(By Telegraph to Virginian-Pilot.)

Washington, D. C., Jan. 27.—The of-
ficials at the State Department are mute
respecting the treatment to be accorded
Agoncillo, the representative here of
Aguinaldo, although it is known that
he has been under surveillance ever
since his arrival in this city, and that
it was learned that he was in cor-
respondence over the cables with his
chief, generally through some one of
the Philippine junta in Hong Kong,
London or Paris, but whether any tele-
gram has been actually intercepted
cannot be learned. There was good
ground also for the belief that Agon-
cillo was receiving advice from certain
persons inimical to the policy the
President has adopted for the treat-
ment of the Philippine question at this
stage. This has been tolerated reluc-
tantly by the administration, rather
than to make open issue of what is
still a case possible of adjustment.

BREACH OF OFFICIAL DECORUM.

The publication two days ago of what
proved to be a very good abstract, with
exact quotations, of the letter left the
day preceding the publication by Agon-
cillo's secretary at the State Depart-
ment, likewise was resented as a no-
table breach of official decorum. The first
inclination of the officials after the
publication was to get rid of Agoncillo,
but officials were oath to take any ac-
tion in advance of the Senate passing
upon the pending peace treaty, espe-
cially as action might involve passage
of certain legal and diplomatic
points involved in to which it is de-
sired not to establish a precedent at
this time. Administration officials be-
lieve the general tenor of the advices
Agoncillo has sent his principals has
been in the line of admonition to hold
off from the acceptance of any terms
from General Otis in view of the pros-
pect that the peace treaty might fail
in the United States Senate.

SITUATION AT MANILA.

The situation at Manila is regarded as
critical, of course, but the officials see
no reason why they cannot command it
for a time at least. General Otis re-
ported yesterday, in connection with
some matters connected with the ship-
ment home of sick Spanish soldiers,
that he could hold out beyond a doubt
until his reinforcements arrived, and
added that as the news had reached
Manila that there was every prospect
that the peace treaty will be soon rat-
ified by the United States Senate, the
effect upon the native element had been
salutary.

General Otis was given permission to
load some of these sick Spanish sol-
diers upon two Spanish steamers now
at Manila or just due, leaving the terms
to be paid to be settled upon the basis
of the contract price to be paid by the
War Department to the steamship line
that secures the contract next week
for the transportation home of all the
Spanish soldiers in the Philippines.

AGONCILLO AUTHORIZES STATE-
MENT.

Agoncillo authorized the following
statement to-day concerning a publish-
ed report that the Government had in-
tercepted dispatches from him to Agui-
naldo, in which he advised that the
Filipinos would have to fight for their
independence and now was the time to
act.

"The statement is absolutely false,
and is calculated to excite feeling and
animosity in this country and to pre-
judice the Philippine cause. No such
telegram has ever been sent by me, and
for that reason no such telegram could
have been intercepted. The falsity of
the statement is shown by the fact that
I have advised my government to con-
tinue the same friendship which was
born on the battlefield against Spain.
The Philippine people have no wish and
no purpose to fight against the Ameri-
cans unless they are driven to it. Their
only desire is to strengthen the bonds
now existing."

Other members of the Filipino junta
who were present when Agoncillo made
this statement, concurred in what he
said, and emphasized the latter de-
claration that all his advices had been
toward an avoidance of a rupture.

THAT DECLARATION OF WAR.

Beyond denying this report, Agoncillo
said he had nothing to make public as
to communications to or from Agui-
naldo. He expressed the positive opinion,
however, that the cable report that the
Filipino Congress had authorized a de-
claration of war was not correct, as he
says the Filipino people do not want a
conflict with the Americans, and will
do everything possible to avoid it.

OTHER TELEGRAPH PAGE 6.

CLASSIFICATION OF NEWS

BY DEPARTMENTS.

Telegraph News—Pages 1, 5 and 6.
Local News—Pages 2, 3 and 5.
Editorial—Page 4.
Virginia News—Pages 7 and 8.
North Carolina News—Page 9.
Portsmouth News—Pages 10 and 11.
Berkley News—Page